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10/061,896	02/01/2002	Thomas J. Carter III	T00020	8872

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EXAMINER
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NELSON, FREDA ANN

ART UNIT	PAPER NUMBER
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3628

NOTIFICATION DATE	DELIVERY MODE
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12/05/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/061,896

Applicant(s)

CARTER ET AL.

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 53-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 53-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment received on August 28, 2007 is acknowledged and entered. Claims 1-5, 9, 11, 13, 53-63, 65, and 67-75 have been amended. Claims 14-52 have been canceled. No claims have been added. Claims 1-13 and 53-75 are currently pending.

### ***Response to Amendment and Arguments***

Applicant's arguments filed August 28, 2007 have been fully considered but they are not persuasive.

In response to Applicant's arguments that Henson fails to teach that "first and second configuration of the product are sent at one time by the user", the Examiner respectfully disagrees. Henson ('816) discloses in addition, each alternate recommendation includes a change in price indication. Lead time advisor 74 calculates the change in price differential by taking the difference between the price of the prior component and price of the at least one recommendation (col. 8, lines 26-38; FIG. 5).

In response to Applicant's arguments that Henson fails to teach a comparison of the modified price of the first configuration and the price of the second configuration of the product, the examiner respectfully disagrees. Henson ('816) discloses in addition, each alternate recommendation includes a change in price indication. Lead time advisor 74 calculates the change in price differential by taking the difference between the price of the prior component and price of the at least one recommendation (col. 8, lines 26-38; FIG. 5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1, 5-10, 58, 62-66, and 70-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (US Patent Number 6,167,383), in view of Henson (US Patent Number 7, 035, 816).**

As per claims 1, 58, and 75, Henson ('383) discloses a method of using a computer system for generating a delta price relative to a base price of a configuration of features, the method comprising:

generating a delta price following modification of the configuration by changing a number of the features in the configuration, wherein the modification of the configuration results in a price change of the configuration and the delta price comprises a difference between the base price and the base price adjusted by the price change (col. 2, lines 5-19; FIG. 6 ); and

generating a modified price using said the delta price and the base price (col. 2, lines 9-12); and

providing the modified price and the delta price to a computer system of a user to indicate to the user a pricing impact associated with the modification of the configuration (col. 2, lines 5-19).

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Henson does not expressly disclose receiving at least first and second configurations of the product, wherein the first and second configurations of the product are sent at one time by a user; and a comparison of the modified price of the first configuration and the price of the second configuration of the product.

However, Henson ('816) discloses in addition, each alternate recommendation includes a change in price indication. Lead time advisor 74 calculates the change in price differential by taking the difference between the price of the prior component and price of the at least one recommendation.(col. 8, lines 26-38; FIG. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson to include the feature of providing the customer with comparison to two or more modified prices of configurations to provide the user the ability to compare prices.

As per claims 5 and 62, Henson discloses the method, further comprising:  
receiving a selection removing a feature from the configuration of features, wherein the modification of the configuration comprises removing the feature from the configuration (col. 2, lines 5-19);

the final price is associated with a product (see FIG. 6);

the configuration of features represents the product, and the final price is generated in response to the selection of removing the feature from the product (col. 2, lines 9-12; col. 8, lines 45-55; FIG. 6).

As per claims 6 and 64, Henson discloses the method wherein the computer system of the user is a client computer system (see FIG. 2);  
the delta price is generated by a server computer system (see FIG. 2);  
the delta price is generated in response to a selection of a feature at the client computer system (col. 2, lines 9-12), and  
the client computer system is communicatively coupled to the server computer system (see FIG. 2).

As per claim 7 and 63, Henson discloses the method wherein further comprising:

providing the final price to the client computer system for display by the client computer system (see FIG. 6).

As per claims 8 and 64, Henson discloses the method wherein the base price is generated in response to a selection of a first item, and the delta price is generated in response to a selection of a second item (see FIG. 5).

As per claims 9 and 65, Henson discloses the method of claim 8, wherein the first item is a product (see FIG. 5); and the second item is a feature of the product (see FIG. 5).

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As per claims 10 and 66, Henson discloses the method of claim 8, wherein the first item is a service (col. 10, lines 7-18); and the second item is a feature of the service (col. 10, lines 7-18; col. 15, lines 54-60).

As per claims 53 and 70, Henson discloses the method of claim 1 further comprising: wherein the modification of the first configuration comprises adding an additional feature to the configuration (FIGS. 3A-3B).

As per claims 54 and 71, Henson discloses the method of claim 53 wherein modification of the first configuration further comprises adding multiple features to the configuration (FIGS. 3A-3B).

As per claims 55 and 72, Henson discloses the method of claim 53 wherein modification of the first configuration further comprises adding multiple features to the configuration and removing at least one of the features of the configuration (FIGS. 3A-3B; FIG. 5).

As per claims 56 and 73, Henson discloses the method of claim 1 wherein modification of the first configuration further comprises removing one of the features of the configuration ((col. 2, lines 9-12; col. 8, lines 45-55; FIGS. 5 and 6).

As per claims 57 and 74, Henson disclose the method of claim 1 wherein a unique feature is a feature not common to both the modification of the first configuration and the configuration of features, each unique feature has an individual price, and the price change does not equal an aggregate of each individual price for each unique feature (col. 10, lines 7-18; col. 15, lines 54-60).

**2. Claims 2-4, 11-13, 59-61 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (US Patent Number 6,167,383) in view of Henson (US Patent Number 7, 035, 816), still in further view of Hara et al. (US PG Pub. 2003/0088431).**

As per claims 2-3 and 59-60, Henson et al. do not disclose the method of claim 1, wherein the price of the first configuration prior to the modification of one or more features of the first configuration, the method further comprising generating a final price of the first configuration using said the base price and said the delta price; and generating a final price of the configuration comprises adjusting the base price by the delta price.

However, Hara et al. disclose that the system comprises a standard price storing section for storing a price presented by the seller in response to specifications of an article presented by the buyer, as a standard price, a standard specifications table for storing specifications presented by the buyer and a correction table for storing information required to correct the standard price of the article, presented by the seller (abstract); the standard price storing section stores a price presented by the seller in response to specifications



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of an article presented by the buyer, as a standard price (paragraph [0006]); and this means that the change in the specifications results in additional cost of 18.4 yen. Provided that the bidding price is 2666.85 yen, for example, the total of correction values of 18.4 yen is added to the bidding price so that a corrected price amounts to 2685.24 yen (paragraph [0048];[0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson et al. to include the feature of Hara et al. in order to provide the user with a price for a basic product before configuration.

As per claims 4 and 61, Henson discloses the method of claim 2, further comprising:

receiving a selection of an additional feature (see FIG. 5), wherein:

the modification of the configuration comprises adding the additional feature to the configuration (see FIG. 5); and

the final price is associated with a product (see FIG. 6).

Henson does not expressly disclose that the delta price is generated in response to the selection of the additional feature for said the product.

However, Hara et al. disclose that FIG. 6 is an example of a screen through which an in-house user 4 (FIG. 1) on-line estimates a corrected price after a change in the specifications (paragraph [0052]); and when a user inputs and sends, for example, a commodity code of "commodity A" through a

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predetermined screen, the automatic correcting section 30 is started. As explained with reference to step 51 of FIG. 5, the automatic correcting section 30 extracts the standard specifications 61 corresponding to the input commodity code from the standard specifications table 21 and further extracts correction data 62 corresponding to the standard specifications 61 to display the specifications and data on a screen 60 (paragraph [0052]; FIGS. 3(a)-3(c) and FIG. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson to include the feature of Hara et al. in order to provide the user with the changed specification and the change in price (Hara et al.; paragraph [0052]).

As per claims 11 and 67, Henson discloses that the pricing option module 28 includes an update price function, wherein the update price function causes the price displayed on the configuration screen to reflect any changes made to the system options. Selection of the update price function can be accomplished by clicking on an "UPDATE PRICE" icon 72 on the configuration screen (col. 6, lines 118-30).

However, Henson does not explicitly disclose the method of claim 1, the method further comprising: generating a second delta price following a modification of the first configuration by changing a number of the features in the first configuration, wherein the modification of the first configuration results in a price change of the first configuration and the second delta price comprises a

difference between the base price and the base price adjusted by the price change of the first configuration; generating a second modified price using the base price and the second delta price; and providing the second modified price and the second delta price to the computer system of the user to indicate to the user a pricing impact associated with the modification of the first configuration.

Hara et al. disclose generating a second delta price following a modification of the first configuration by changing a number of the features in the first configuration, wherein the modification of the first configuration results in a price change of the first configuration and the second delta price comprises a difference between the base price and the base price adjusted by the price change of the first configuration (FIG. 7);

generating a second modified price using the price and the second delta price (Fig. 7); and

providing the second modified price and the second delta price to the computer system of the user to indicate to the user a pricing impact associated with the modification of the first configuration (FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson to include the feature of Hara et al. in order to provide the user with the ability to continuously update the pricing for the changes made.

As per claims 12 and 68, Henson discloses the method of claim 11, wherein the computer system of the user is a client computer system (FIG. 2).

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However, Henson does not disclose the first delta price and the second delta price are generated by a server computer system;

the first delta price is generated in response to a first selection of a first feature at the client computer system;

the second delta price is generated in response to a second selection of a second feature at the client computer system; and

the client computer system is communicatively coupled to the server computer system.

However, Hara et al. disclose first delta price and the second delta price are generated by a server computer system (FIG. 1);

the first delta price is generated in response to a first selection of a first feature at the client computer system (FIG. 7);

the second delta price is generated in response to a second selection of a second feature at the client computer system (FIG. 7); and

the client computer system is communicatively coupled to the server computer system (FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson to include the feature of Hara et al. in order to provide the user with the ability to continuously update the pricing for the changes made.

As per claims 13 and 69, Henson does not disclose the method of claim 12, wherein further comprising:

generating a final price of the first configuration using a base price of the first configuration and the second delta price; and

providing the final price to the client computer system for display by the client computer system to allow comparison between the final price and the first modified price.

However, Hara et al. disclose generating a final price of the second configuration using the base price and the second delta price (FIG. 7); and providing the final price to the client computer system for display by the client computer system to allow comparison between the final price and the first modified price (FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson et al. to include the feature of Hara et al. in order to provide the user the ability to compare items and pricing of modifications.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

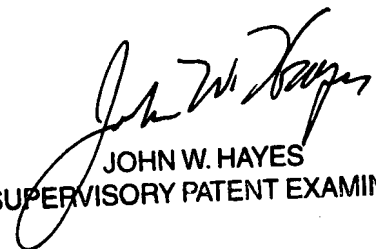
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 11/25/07



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER